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Central Intelligence Agency

Washington, D.C. 20505

OLL 85-1224

19 APR 1985

Mr. Thomas K. Latimer
Staff Director
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Tom:

I am very pleased to enclose a copy of the Supreme Court's April 16 decision in the Sims case. We view the Supreme Court decision to be one of great importance for the ongoing mission of this Agency and for the national security of this country. This decision, which clarifies the Agency's ability to protect intelligence sources from the risk of forced disclosure, will send an important message to our sources that we can protect their confidentiality.

The contribution of this decision to the ability of the Agency to perform its statutory missions will be incalculable. This decision, along with Executive Order 12333, the CIA Information Act and Intelligence Identities Protection Act, represent important steps in the revitalization of the Agency.

We hope that you will share this important decision with the Members of the Committee and other members of your staff and convey to them our appreciation for their continued support of the Agency.

Sincerely,

/s/Charles A. Briggs

Charles A. Briggs
Director, Office of Legislative Liaison

Enclosure
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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

CENTRAL INTELLIGENCE AGENCY ET AL. *v.* SIMS ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA DISTRICT

No. 83–1075. Argued December 4, 1984—Decided April 16, 1985*

Between 1963 and 1966, the Central Intelligence Agency (CIA) financed a research project, code-named MKULTRA, that was established to counter Soviet and Chinese advances in brainwashing and interrogation techniques. Subprojects were contracted out to various universities, research foundations, and similar institutions. In 1977, respondents in No. 83–1075 (hereafter respondents) filed a request with the CIA under the Freedom of Information Act (FOIA), seeking, *inter alia*, the names of the institutions and individuals who had performed the research under MKULTRA. Citing Exemption 3 of the FOIA—which provides that an agency need not disclose "matters that are . . . specifically exempted from disclosure by statute . . . provided that such statute . . . refers to particular types of matters to be withheld"—the CIA declined to disclose the requested information. The CIA invoked, as the exempting statute referred to in Exemption 3, § 102(d)(3) of the National Security Act of 1947, which states that "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." Respondents then filed suit under the FOIA in Federal District Court. Applying, as directed by the Court of Appeals on an earlier appeal, a definition of "intelligence sources" as meaning only those sources to which the CIA had to guarantee confidentiality in order to obtain the information, the District Court held that the identities of researchers who had received express guarantees of confidentiality need not be disclosed, and also exempted from disclosure other researchers on the ground that their work for the CIA, apart from

*Together with No. 83–1249, *Sims et al.* v. *Central Intelligence Agency et al.*, also on certiorari to the same court.

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